

COOK, COOK & O'DONNELL

ATTORNEYS AT LAW

FIRST NATIONAL BANK BUILDING

NORTHAMPTON, MASS.

RUFUS H. COOK

1902-1963

ARTHUR W. COOK

JAMES C. O'DONNELL

TELEPHONE

AREA CODE 413 584-0867

February 17, 1965

Mr. Meary James Thuraijah Tambimuttu
228 Horatio Street
New York, New York

Dear Mr. Tambimuttu:

Mrs. Tambimuttu has begun a divorce action against you
in Hampshire Probate Court.

The enclosed form is a notice from that Court notifying
you of this action.

Very truly yours,

James C. O'Donnell

JCO'D:D

Encl.

RUFUS H. COOK
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February 17, 1965

- (including religious)
1. Equal visiting rights
 2. If I ~~wish~~ so desire half of the time with + allied activities
 3. Education by mutual consent
 4. I will be allowed to take her out of the country with me.

Divorce in 2 parts

6 months waiting period
contest then

custody
with daughter
visiting
rights

No. 7434.

[Certificate of making Decree Nisi Absolute (Divorce)]

In the High Court of Justice

PROBATE, DIVORCE AND ADMIRALTY DIVISION
(DIVORCE)

Between JACQUELINE MAY TAMBIMUTTU
Petitioner
and MEARY JAMES TAMBIMUTTU
Respondent
and
Co-Respondent

Referring to the decree made in this Cause

on the 2nd day of July 19 47

whereby it was decreed that the Marriage had and solemnized on

the 2nd day of March 19 40

at the Register Office St Marylebone in the Metropolitan Borough
St Marylebone

between Jacqueline May Tambinuttu then Stanley Spinster

the Petitioner and Meary James Tambimuttu

the Respondent be dissolved by reason that the Respondent had
treated the Petitioner with cruelty

unless sufficient cause be shown to the Court within ~~three months~~ ^{six weeks} from
the making thereof why the said Decree should not be made absolute and
no such cause having been shown, it is hereby certified that the said Decree
was on this 15th day of August 1947, made
final and absolute and that the said Marriage was thereby dissolved.

Dated the 15th day of August 1947.

I certify that this is a true copy
of the record retained in this
Registry

Dated this 30th day of June 1959.

Note: CHILDREN. { If there are children of the marriage, either parent may request the Passport Office (Clive House, Petty France, London, S.W.1) not to issue a passport allowing them to go abroad without his or her knowledge.

THIS DECLARATION is made at New York this 3rd day of December 1958 by me T. TAMBIMUTTU of Colombo, Ceylon, now residing in New York, U.S.A.

WHEREAS on the 15th day of July 1951 I was married to Safia binte Hadi Camruddin Tyabjee of Ravindra Mansion, Backbay -- Reclamation, Bombay, according to the Shia Muslim personal law by which both of us were governed

AND WHEREAS it was agreed as a part of the marriage contract that the said Safia binte Hadi Camruddin Tyabjee should have the power of divorce as set out in the agreement dated the 15th day of July 1951 made between myself of the one part and the said Safia binte Hadi Camruddin Tyabjee of the other part and registered with the Sub Registrar of Bombay under No. Bom. 3813 of 1951

AND WHEREAS by the said agreement it was inter alia provided that the said Safia binte Hadi Camruddin Tyabjee should not have the power of divorce unless and until it is admitted by me that the ground or grounds mentioned in clause 2 of the said agreement existed or exist

NOW I HEREBY DECLARE and admit that there have existed and there do exist grounds within the meaning of clause 2 of the said agreement dated the 15th day of July 1951 which entitle the said Safia binte Hadi Camruddin Tyabjee to exercise her power of divorce under the said agreement and entitle her to dissolve my marriage with her

IN WITNESS WHEREOF I have hereunto set my hand and seal this 3rd day and year 1958

first hereinabove written.

SIGNED by the abovenamed T.)

TAMBIMUTTU in the presence of)

I the abovenamed SAFIA BINTE HADI CAMRUDDIN TYABJEE do hereby declare that in exercise of the power of divorce conferred upon me by the above mentioned agreement dated the 15th day of July 1951 and the admission in writing of the abovenamed T. -- Tambimuttu that the ground or grounds on which I am entitled -- to exercise the said power of divorce as provided in the said - agreement existed and exist I have duly divorced the said T. Tambimuttu and my marriage with him is dissolved by virtue of the declaration made by me to that effect in the presence of my father Mr. Hadi Camruddin Tyabjee and my brother Mr. Haneef Hadi Tyabjee immediately before the execution of this declaration by me.



Dated this 10th day of December 1958.

Safie Hadi Camruddin Tyabjee
(Safia binte Hadi Camruddin Tyabjee)
Haneef Hadi Tyabjee

We the abovenamed HADI CAMRUDDIN TYABJEE and HANEEF HADI TYABJEE hereby declare that the abovenamed Safia binte Hadi Camruddin Tyabjee immediately prior to the execution by her of her declaration hereinabove contained made a declaration in our joint presence that by virtue of the power derived by her under the -- abovenamed agreement dated the 15th day of July 1951 she divorces the abovenamed T. Tambimuttu and dissolves her marriage with him.

Dated this 10th day of December 1958.

Hadi Tyabjee
1. (Hadi Camruddin Tyabjee)

Haneef Hadi Tyabjee
2. (Haneef Hadi Tyabjee)

(SEAL)

COMMONWEALTH OF MASSACHUSETTS

HAMPSHIRE, SS.

PROBATE COURT

To MEARY JAMES THURAIRAJAH TAMBIMUTTU

of 228 Horatio Street, New York,
~~Massachusetts~~ in the County of New York,
State of New York.

A libel has been presented to said Court by your wife—husband—
ESTA SMITH TAMBIMUTTU
of 34 Columbus Avenue,
Northampton, in the County of Hampshire,

praying that a divorce from the bond of matrimony between h **er** self and you be decreed
for the cause of ~~adultery—impotency—desertion—gross and confirmed habits of intoxication—~~
cruel and abusive treatment—~~neglect to provide suitable maintenance—sentence to confine-~~
~~ment for—~~

and praying—for alimony—and—for custody of and allowance for minor child

If you desire to object thereto, you or your attorney should file a written appearance in
said Court, at Northampton, in said County of Hampshire, within twenty-one days from the
twenty-fourth day of March,
19 65, the return day of this citation.

Witness, HARRY JEKANOWSKI
~~WILLIAM M. WELCH~~, Esquire, Judge of said Court, this eleventh
day of February, 19 65.

Kathleen A. Flynn, Assistant Register.

It is ordered that notice of said libel be given by publishing a copy of the foregoing
citation once in each week for three successive weeks in the
Daily Hampshire Gazette, a newspaper published
in said Northampton, the last
publication to be fourteen days month at least before said return day, and by
mailing by registered or certified mail a copy thereof to the libellee at h **is** last known
residence fourteen days month at least before said return day.

Witness, HARRY JEKANOWSKI
~~WILLIAM M. WELCH~~, Esquire, Judge of said Court, this eleventh
day of February, 19 65.

Kathleen A. Flynn, Assistant Register.

I, attorney for the
libellant in the libel for divorce, described in the foregoing citation, hereby certify under the
penalties of perjury that I gave notice to the libellee by publishing and mailing as ordered.

*The registry receipt signed by
..... was returned to me by the Post Office
Department and is hereto annexed.

(or)

*The said registered or certified letter was returned to me by the Post Office Department,
unclaimed and unopened, and is hereto annexed.

*Strike out the statement which does not apply.

A. C. 3 (Divorce)

No. **2679**

Esta Smith Tambimuttu Libellant
Tambimuttu
Neary James Thuraiarajah Libellee

DIVORCE

Citation

Publication-Registered or Certified Mail

Citation Issued **Feb. 11.** 19 **65**

Returnable **March 24.** 19 **65**

Filed 19 .

.....
Register.

COPY FOR MAILING TO LIBELLE
AT HIS LAST KNOWN ADDRESS

From the Office of

Cook, Cook & O'Donnell, Attys.

59 Main Street

Northampton, Mass.

Nº

4845

Receipt for Fee of \$3.00 for
Performance of Marriage Ceremony

THE CITY OF NEW YORK
OFFICE OF CITY CLERK
MUNICIPAL BUILDING, MANHATTAN

Marriage License

No. 15735 19 60

Nº 4845

Certificate of Marriage

I, Thomas A. Lenane Deputy City Clerk, duly designated by the
Clerk of the City of New York to solemnize marriages, Do Hereby Certify that I did on this 22nd
day of November in the year A. D. 19 60, at the office of the City Clerk, in the
Borough of Manhattan, City of New York, State of New York, solemnize the rites of matrimony
between Thuraiajah Tambimuttu
of Brooklyn in the County of Kings State of N.Y.
and Eta M. J. Smith
of Brooklyn in the County of Kings State of N.Y.
in the presence of Sam Kramer
and _____ as witnesses.



Witness my hand at the office of the City Clerk, Borough of Manhattan, City of New York,
State of New York, 22nd day of Nov. A. D. 19 60

Thomas A. Lenane
Deputy City Clerk of the City of New York, Borough of Manhattan

BOM
3813/1/4
 1951

Serial No. 3813

Presented at the office of the Sub-Registrar of Bombay
 between the hours of 3 p.m.
 and 4 p.m. on the 17th July
 1951

GENERAL STAMP OFFICE

Sd. Safia H. Tyabjee	Bombay	10.3.1950	
ISSUED in exchange to M/s. S.F.B.Tyabji & So. Solicitors, B'bay			
Stamped paper of Rs.1.8.0			Received fees for:
Sd...	only	Sd...	Registration Rs.5.0.0
Sub-Registrar		Clerk	Photographing 1.8.0
			(Pages)
			Postage <u>0.10.0</u>
			Total Rs.7.2.0

Sd....Sub-Registrar

IN THE NAME OF ALLAH, THE COMPASSIONATE, THE MERCIFUL, this Agreement
 made at Bombay this 15th day of July 1951 between T. TAMBIMUTTU of
 Colombo Ceylon now residing at The Astoria Hotel, Bombay 1, hereinafter
 called the Husband of the one part and SAFIA BINTI HADI CAMRUDDIN
 TYABJEE of Ravindra Mansion, Backbay Reclamation, Bombay 1, herein-
 after called the Wife of the other part.

WHEREAS the Husband and the Wife both profess the Shia Muslim
 faith and declare that they are governed by the Shia Muslim Personal Law
 AND WHEREAS a marriage is to be contracted and solemnized between the
 Husband and Wife on Sunday the 11th day of Shawwal 1370, i.e. the 15th
 day of July 1951
 AND WHEREAS it is mutually agreed and it is of the essence of the said
 contract of marriage between the Husband and the Wife that the Wife should
 have the power to divorce as hereinafter mentioned
 NOW IT IS HEREBY AGREED AND DECLARED as follows:-

1. The Husband shall pay to the Wife by way of Mahr the sum of Rupees
 one lakh (Rs.1,00,000/-), such Mahr being payable by the Husband to the

*For your info -
 please keep at
 return.*

Wife as to the sum of Rs.40/- at the time of the said marriage and as to the remaining sum of Rs.99.960/- only in the event of his death or a divorce taking place between him and the Wife.

2. Subject to the provisos hereinafter mentioned, the Wife shall have the power to divorce in manner mentioned in clause 3 below for dissolving the said marriage on any one or more of the following grounds, namely :-

- (a) That the Husband failed to observe and perform the duties imposed upon a husband by Muslim Law, namely:
 - (i) kindness in general behaviour and treatment,
 - (ii) the fulfillment of conjugal rights, and
 - (iii) the maintenance and support of the Wife;
- (b) That the Husband has married or gone through the form of marriage with another woman after the date hereof;
- (c) That the temperaments of the Husband and the Wife are incompatible or otherwise the Husband is unable to keep the Wife happy;
- (d) The grounds mentioned in Section 2 of the Dissolution of Muslim Marriages Act, 1939, or any of them

PROVIDED that the Wife shall not have the said power to divorce unless and until :

- (a) It has been admitted by the Husband in writing that the said grounds or ground exist or existed, or
- (b) It has been certified in writing by the said Hadi Camruddin Tyabjee the father of the Wife so long as he shall be alive and after his death by Hanif Hadi Tyabjee the brother of the Wife or by any other two respectable persons after giving the Husband a reasonable opportunity to make such representations in the matter as he may desire that such grounds or ground

exist or existed.

3. The said power to divorce shall be exercised by the Wife declaring before any two witnesses that in accordance with the power derived by her from this agreement she divorces the Husband and the said marriage shall stand dissolved as from the date of the declaration.

4. The said power to divorce shall not be revocable by the Husband and shall not be affected by the Wife having failed on one or more occasions to exercise the same.

IN WITNESS WHEREOF the parties to these presents have hereunto set their respective hands the day and year first hereinabove written.

SIGNED by the above named)

T. TAMBIMUTTU in the ---) Sd. T. TAMBIMUTTU
presence of ...)

Sd.. M. Tayyabji

Solr. Bom.

SIGNED by the above named)

SAFIA BINTI HADI CAMRUDDIN) Sd. Safia H. Tyabjee
TYABJEE in the presence of)

Sd.. M. Tayyabji

(1) Shri Tyab Tambimuttu, 36, Publisher, & (2) Shrimati Sajia Binti Hadi Camruddin Tyabjee, 34, Household, both Muslims, residing at Astoria Hotel, Church Gate Reclamation, Executing parties, admit execution

4 BOM
3813/4/4
1951

(1) T. Tambimuttu sd.....

(2) Safia H. Tyabjee sd.....

Shri C. M. Khopkar, Clerk to M/s. S.F.B.Tyabjee & Co. Solrs. Dadar
and known to the Sub-Registrar states that he

knows the above executants and identifies
them

Sd...

Date 17.7.1951

C. M. Khopkar

Sd.....

Sub-Registrar

Registered No. 38/3 of Book No. 4

Sd.....

Date 23rd October 1951

Sub-Registrar Bombay

THE SEAL OF THE SUB-REGISTRAR OF BOMBAY

THIS DECLARATION is made at New York this 3rd day of December 1958 by me T. TAMBLAUTTU of Colombo, Ceylon, now residing in New York, U.S.A.

WHEREAS on the 15th day of July 1951 I was married to Safia binte Hadi Camruddin Tyabjee of Ravindra Mansion, Backbay -- Reclamation, Bombay, according to the Shia Muslim personal law by which both of us were governed

AND WHEREAS it was agreed as a part of the marriage contract that the said Safia binte Hadi Camruddin Tyabjee should have the power of divorce as set out in the agreement dated the 15th day of July 1951 made between myself of the one part and the said Safia binte Hadi Camruddin Tyabjee of the other part and registered with the Sub Registrar of Bombay under No. Bom. 3813 of 1951

AND WHEREAS by the said agreement it was inter alia provided that the said Safia binte Hadi Camruddin Tyabjee should not have the power of divorce unless and until it is admitted by me that the ground or grounds mentioned in clause 2 of the said agreement existed or exist

NOW I HEREBY DECLARE and admit that there have existed and there do exist grounds within the meaning of clause 2 of the said agreement dated the 15th day of July 1951 which entitle the said Safia binte Hadi Camruddin Tyabjee to exercise her power of divorce under the said agreement and entitle her to dissolve my marriage with her

IN WITNESS WHEREOF I have hereunto set my hand the day and year

SIGNED by the abovenamed T.)

TAMBIMUTTU in the presence of)

I the abovenamed SAFIA BINTE HADI CAMRUDDIN TYABJEE do hereby declare that in exercise of the power of divorce conferred upon me by the above mentioned agreement dated the 15th day of July 1951 and the admission in writing of the abovenamed T. -- Tambimuttu that the ground or grounds on which I am entitled -- to exercise the said power of divorce as provided in the said - agreement existed and exist I have duly divorced the said T. Tambimuttu and my marriage with him is dissolved by virtue of the declaration made by me to that effect in the presence of my father Mr. Hadi Camruddin Tyabjee and my brother Mr. Haneef Hadi Tyabjee immediately before the execution of this declaration by

Dated this 10th day of December 1958.

Witness
Mr. Z. B. B.
Safie Hadi Camruddin Tyabjee
(Safia binte Hadi Camruddin Tyabjee)

We the abovenamed HADI CAMRUDDIN TYABJEE and HANEEF HADI TYABJEE hereby declare that the abovenamed Safia binte Hadi Camruddin Tyabjee immediately prior to the execution by her of her declaration hereinabove contained made a declaration in our joint presence that by virtue of the power derived by her under the -- abovenamed agreement dated the 15th day of July 1951 she divorces the abovenamed T. Tambimuttu and dissolves her marriage with him.

Dated this 10th day of December 1958.

Witness
Mr. Z. B. B.
Hadi Tyabjee
1. (Hadi Camruddin Tyabjee)
Haneef Tyabjee
2. (Haneef Hadi Tyabjee)